

UPDATED INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Victim Compensation and Government Claims Board implements the Victim Compensation Program (VCP). The rule-making action proposed the following changes to VCP regulations.

This rule-making action implements legislation effective January 1, 2010, allowing additional relocation benefits for unusual, dire, and exceptional circumstances. The rule-making action also includes several provisions to clarify regulatory language and correct grammar.

The rule-making action requires that VCP inform applicants and representatives of the right to a hearing, but eliminates the mandated text for each notice of denials so that the Program can have flexibility to re-write the notice to communicate effectively depending on the needs of applicants.

It also specifies that the eligibility of a minor witness shall not be affected by the eligibility of the victim(s) or derivative victim(s). The rule-making action removes language regarding a person who is eligible as both a victim and a derivative victim that is inconsistent with Government Code sections 13955, 13957(a)(1), and 13957.5.

It revises language stating that, if an applicant files an application within 90 days of the first pecuniary loss, the application is considered good cause timely filed to provide that the time that the applicant discovers that he or she has suffered a pecuniary loss will be considered in determining whether good cause exist to accept a late application.

The rule-making action clarifies that food, clothing, and personal items are only reimbursed as relocation benefits in emergencies. It also addresses newly enacted Government Code section 13957(a)(2)(E)(SB 314), which allows the Board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the Board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim effective January 1, 2010. It defines what is and is not considered unusual, dire, or exceptional circumstances, the necessary verification when the relocation is based upon the emotional well-being of the applicant or concerns for personal safety, and the requirement that the applicant relocate a minimum number of miles from the crime if they are the victim of on-going threats or retaliation.

The rule-making action codifies the Board's interpretation of its statutes and current practices and provides guidance regarding compensation for home security and the purchase of vehicles. It requires that the applicant provide a copy of the driver's license of the individual who will be driving the vehicle so that the VCP can verify that the vehicle is legally operated by an individual who has a valid driver's license.

The VCP has accepted CMS 1450, CMS 1500, and American Dental Association bill forms for the convenience of the applicants. The rule-making action identifies commonly used billing forms and specifies that VCP may require the use of the form.

Government Code section 13957.9 authorizes the Board to enter into agreements with a qualified non-profit agency that utilizes the Restitution Fund at a significant level on a regular and constant basis. The rule-making action raises the minimum level of utilization of reimbursement from the Restitution Fund from \$10,000 to \$100,000 during

the previous fiscal year for mental health services in order for a qualified provider to have an agreement with the Board.

The rule-making action clarifies that VCP may only reimburse income loss for the statutory time period, even if the victim has had breaks in the disability period or received reimbursement from other sources for portions of the disability period. It also clarifies the language regarding the legal dependency of minors for the purposes of income and support loss.

It includes revisions to the regulations governing reimbursable sources, human trafficking, participation in the crime, and mitigation of involvement in the events leading up to the qualifying crime for consistency with the governing statutes and clarity. It further eliminates the distinction between hit and run and other vehicle related crimes when evaluating involvement and treats all vehicle related crimes the same when evaluating involvement.

It allows VCP staff to deny an application or supplemental claim for lack of cooperation with the Board or VCP staff when the applicant does not apply for benefits from other sources including, but not limited to, workers' compensation, state disability insurance, Social Security benefits, and unemployment insurance.